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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,294	01/02/2004	Chih-Hsin Wang	CFP-2365 (15722/616)	2384
23595	7590	02/03/2006	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/751,294

Applicant(s)

WANG, CHIH-HSIN

Examiner

David J. Parsley

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-7, 10-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-7, 12-15, 17-20 and 23 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

### ***Amendment***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12-6-05 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-7, 18-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Design No. 140,270 to Sharp.

Referring to claim 18, Sharp discloses a device comprising a central member – see the device connecting the two loops in figures 1-2, a first lateral member – at one of the loops, for pivotal and releasable engagement with the central member – see for example figures 1-2, and a second lateral member – the other of the loops in figures 1-2, for pivotal and releasable

Art Unit: 3643

engagement with the central member – see for example figures 1-2, wherein the central member is a female member – see figures 1-2, while the lateral members are male members – see figures 1-2, wherein the female member includes a first recess defined in an end and a second recess defined in an opposite end – see for example figures 1-2, and the first male member includes a cylinder that can be forced into and pivotal with the first recess – see for example figures 1-2, and the second male member includes a cylinder that can be forced into and pivotal within the second recess – see for example figures 1-2, with the cylinders of the first and second male members each having an axis and a first side and a second side spaced along the axis from the first side – see for example figures 1-2, with the cylinders of the first and second male members each having cross sections at the first and second sides of a same shape and size – see for example figures 1-2, with the cylinder of the first male member being forceable into the first recess in a direction perpendicular to the axis of the cylinder of the first male member and without disassembly of either of the central member and the first lateral member and the cylinder of the second male member being forceable into the second recess in a direction perpendicular to the axis of the cylinder of the second male member and without disassembly of either of the central member and the second lateral member – see for example figures 1-2.

Referring to claim 4, Sharp discloses the first recess includes a reduced opening so as to keep the cylinder of the first male member therein – see for example at either of the loops in figures 1-2.

Referring to claim 5, Sharp discloses the second recess includes a reduced opening so as to keep the cylinder of the second male member therein – see for example at either of the loops in figures 1-2.

Referring to claims 6-7, Sharp discloses the first and second male members include bars located opposite the cylinders thereof – see the outer portions of the loops in figure 1, and spaced from the cylinders in a direction perpendicular to the axis, with the bars to be wound by an end of the collar – see for example figures 1-2.

Referring to claim 19, Sharp discloses the cylinders of the first and second male members each having cross sections of a constant shape and size between the first and second sides – see for example the loops in figures 1-2.

Referring to claim 20, Sharp discloses the cylinders of the first and second male members each terminating in the first and second sides – see for example figures 1-2.

Referring to claim 22, Sharp discloses the first recess of the female member has a length parallel to the axis of the cylinder of the first male member – see figures 1-2, with a first passage being defined between the bar and the cylinder – see the opening in either of the loops in figure 1, of the first member having a length parallel to the axis of the cylinder of the first male member generally equal to the length of the recess for pivotally receiving the female member and the first recess of the female member – see at either of the loops in figures 1-2, wherein the second recess of the female member has a length parallel to the axis of the cylinder of the second male member and having a length parallel to the axis of the cylinder of the second male member generally equal to the length of the second recess for pivotally receiving the female member and the second recess of the female member – see the other of the loops in figures 1-2.

Art Unit: 3643

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Design No. 253,501 to Hoch in view of U.S. Patent No. 1,447,967 to Davis.

Referring to claim 12, Hoch discloses a safety device for a collar comprising a central member – at the flat rectangular shaped member seen in figure 1, a first lateral member – at either of the hook members on either side of the central member as seen in figures 1-2, for pivotal and releasable engagement with the central member – see for example figures 1-2, and a second lateral member – at the other of the hook members at the side of the central member as seen in figures 1-2, for pivotal and releasable engagement with the central member, wherein the central member is a male member – see figures 1-2, while the lateral members are female members – see figures 1-2, wherein the male member includes a first end member formed at an end – see the vertical portion of the rectangular structure of the central member, and a second end member – at the opposite vertical portion of the rectangular structure of the central member, at an opposite end, with each of the first and second end members including an axis – extending from any direction from the vertical portions of the central member, and the first female member defines a first recess into which the first end member can be forced in a direction perpendicular to the axis of the first end member without disassembly of either of the central member and the first lateral member – see for example figures 1-4, and in which the first end member can be pivoted about the axis of the first end member – see figures 1-4, and the second female member

defines a second recess into which the second end member can be forced in a direction perpendicular to the axis of the second end member without disassembly of either of the central member and the second lateral member – see figures 1-4, and in which the second end member can be pivoted about the axis of the second end member, wherein the central member includes a cavity – see at the interior of the rectangular element in figures 1-2, defined in a side – see figures 1-2. Hoch does not disclose that the first and second end members of the central member are cylindrical. Davis does disclose a rectangular central member – at 12-20, with cylindrical end members – at 6 and 19 as seen in figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hoch and add the cylindrical end members of Davis, so as to allow for portions of the device to not have any straight, sharp edges. Hoch as modified by Davis further does not disclose the cavity in the central member receives a nametag. However, this limitation is a for use limitation and therefore is deemed functional language which does not positively claim a nametag as a structural limitation and therefore it is deemed that the device of Hoch as modified by Davis is capable of receiving a nametag in the space shown in the central member of Hoch as seen in figures 1-2.

Referring to claim 13, Hoch discloses a safety device for a collar comprising a central member – at the flat rectangular shaped member seen in figure 1, a first lateral member – at either of the hook members on either side of the central member as seen in figures 1-2, for pivotal and releasable engagement with the central member – see for example figures 1-2, and a second lateral member – at the other of the hook members at the side of the central member as seen in figures 1-2, for pivotal and releasable engagement with the central member, wherein the central member is a male member – see figures 1-2, while the lateral members are female

Art Unit: 3643

members – see figures 1-2, wherein the male member includes a first end member formed at an end – see the vertical portion of the rectangular structure of the central member, and a second end member – at the opposite vertical portion of the rectangular structure of the central member, at an opposite end, with each of the first and second end members including an axis – extending from any direction from the vertical portions of the central member, and the first female member defines a first recess into which the first end member can be forced in a direction perpendicular to the axis of the first end member without disassembly of either of the central member and the first lateral member – see for example figures 1-4, and in which the first end member can be pivoted about the axis of the first end member – see figures 1-4, and the second female member defines a second recess into which the second end member can be forced in a direction perpendicular to the axis of the second end member without disassembly of either of the central member and the second lateral member – see figures 1-4, and in which the second end member can be pivoted about the axis of the second end member, wherein the central member includes a cavity – see at the interior of the rectangular element in figures 1-2, defined in a side – see figures 1-2, with the first and second end members having cross sections at the first and second sides of a same shape and size – see at the vertical portions of the central member in figures 1-2. Hoch does not disclose that the first and second end members of the central member are cylindrical. Davis does disclose a rectangular central member – at 12-20, with cylindrical end members – at 6 and 19 as seen in figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hoch and add the cylindrical end members of Davis, so as to allow for portions of the device to not have any straight, sharp edges.



Referring to claim 14, Hoch as modified by Davis further discloses the first and second cylinders having cross sections of a constant shape and size between the first and second sides – see for example figures 1-2 of Davis.

Referring to claim 15, Hoch as modified by Davis further discloses the first and second cylinders terminating in the first and second sides – see for example figures 1-2 of Hoch and Davis.

Referring to claim 17, Hoch as modified by Davis further discloses the first recess of the first female member has a length parallel to the axis of the first end member – see figures 1-2 of Hoch, with the male member including a passage – see the interior of the rectangular central member in figure 1 of Hoch, spaced inwardly of the first end member and having a length parallel to the axis of the first end member generally equal to the length of the first recess for pivotally receiving the first female member and the first recess of the first female member therein – see for example figures 1-2 of Hoch, wherein the second recess of the second female member has a length parallel to the axis of the second end member – see figures 1-2, with the male member including a passage spaced inwardly of the second end member – see the interior of the rectangular central member in figure 1 of Hoch, and having a length parallel to the axis of the second end member generally equal to the length of the second recess for pivotally receiving the second female member and the second recess of the second female member therein – see for example figures 1-2 of Hoch.

Referring to claim 23, Hoch as modified by Davis further discloses the first cylinder is pivotal about the axis in the first recess and the second cylinder is pivotal about the axis in the second recess – see at the connection of the central and lateral members in figures 1-2 of Hoch.

***Allowable Subject Matter***

4. Claims 10-11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 4-7, 12-15, 18-20 and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Parsley', with a long, sweeping horizontal stroke extending to the right.

David Parsley  
Patent Examiner  
Art Unit 3643